

WSR 09-22-001
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 21, 2009, 12:27 p.m.]

Title of Rule and Other Identifying Information: WAC 16-302-040 Varieties eligible for seed certification in Washington state.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Victor Shaul, Washington State Department of Agriculture, 21 North First Avenue, Suite 226, Yakima, WA 98902, AND RECEIVED BY January 5, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To correct the telephone number for the department's seed program and the address for Washington State Crop Improvement Association.

Reasons Supporting Proposal: To keep contact information for the department and the Washington State Crop Improvement Association current.

Statutory Authority for Adoption: Chapters 15.49 and 34.05 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Victor Shaul, Yakima, (509) 249-6955; and Enforcement: Fawad Shah, Yakima, (509) 225-2630.

October 21, 2009

Kenneth R. Harden

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-040 Varieties eligible for seed certification in Washington state. (1) Only seed varieties that are accepted as meriting seed certification by an appropriate AOSCA National Variety Review Board or a member agency of AOSCA in accordance with the criteria listed in subsection (3) of this section may be eligible for seed certification in Washington state.

(2) A current list of varieties eligible for certification for the crops certified by the seed program may be obtained by contacting WSDA Seed Program, 21 N. 1st Avenue, Yakima, WA 98902, ((509) 225-2630) 509-249-6950. A current list of varieties eligible for certification for the crops certified by WSCIA may be obtained by contacting WSCIA, ((414-S-

46th Avenue, Yakima, WA 98908, (509) 966-2234)) 1610 N.E. Eastgate Blvd. Suite 610, Pullman, WA 99163, 509-335-8250.

(3) The following information is required for submission to an AOSCA National Variety Review Board or other certifying agency for acceptance of a seed variety for certification:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that:

(i) The variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification; and

(ii) The variety is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of:

(i) The morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.);

(ii) Physiological characteristics;

(iii) Disease and insect reactions; and

(iv) Any other identifying characteristics of value to field inspectors and other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. Performance tests may be conducted by private seed firms or agricultural experiment stations, and must include appropriate check varieties, which are used extensively in the area of intended usage.

(e) A statement giving the suggested region of probable adaptation and purposes for which the variety is used. This includes where the breeder of the variety has tested the variety and anticipates recommending the merchandising of it.

(f) A description of the procedure for maintenance of stock seed classes. At the time a variety is accepted for certification, a sample lot of breeder seed is presented to the certifying agency. The sample is retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

WSR 09-22-066
EXPEDITED RULES
DEPARTMENT OF COMMERCE

[Filed November 2, 2009, 9:21 a.m.]

Title of Rule and Other Identifying Information: Chapter 365-120 WAC, State funding of local emergency shelter and transitional housing, operating and rent programs, details the conditions for state funding of emergency shelter and transitional housing, operating and rent programs. WAC 365-120-080 Eligibility for operating assistance for transi-

tional housing, specifies that to be eligible for operating assistance, THOR projects must provide transitional housing to homeless families with children whose incomes are at or below fifty percent of the area median income. These operating subsidies are not to exceed thirty percent of the project's budget, and rents are not to exceed fifty percent of the income of the targeted population.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Heather Matthews, Washington State Department of Commerce, P.O. Box 48350, Olympia, WA 98501, AND RECEIVED BY January 4, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 365-120-080 limits operating subsidies to fifty percent or less of the project's core operating budget, and limits rents to thirty percent or less of the income of the targeted population.

This proposal will change the language in WAC 365-120-080 to limit operating subsidies to not exceed fifty percent of the project's core operating budget, and to limit rents to not exceed thirty percent of the income of the targeted population. This will not adversely affect stakeholders because it reflects actual practice and the original intent of the rule.

In addition, the entirety of chapter 365-120 WAC had to be updated to comply with statutory changes to RCW 43.185C.210 that made certain homeless individuals and families without children eligible to be served by the transitional housing operating and rent program. WAC 365-120-010 had to be updated to reflect statutory authority under current RCWs.

Reasons Supporting Proposal: In 2001, several changes to the WAC were proposed by the homeless families advisory committee and approved by the department of community, trade, and economic development (CTED) (now commerce). The permanent rule that was filed with the CR-103 in WSR 02-05-012 inadvertently included typographical errors, resulting in the following language: "(2) Operating subsidies shall not exceed thirty percent of the project's core operating budget for the year. (3) Rents shall not exceed fifty percent of the income of the targeted population." The transcript from the hearing held on January 8, 2002, confirms that the intent was to limit operating subsidies to not exceed fifty percent of the project's core operating budget, and to limit rents to not exceed thirty percent of the income of the targeted population. This proposal will correct that mistake. The other changes to this rule are being made to comply with statutory changes to RCW 43.185C.210 and to bring the statutory authority up to date.

Statutory Authority for Adoption: RCW 43.185C.210 (6).

Statute Being Implemented: RCW 43.185C.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Matthews, 906 Columbia Street S.W., Olympia, WA 98501, (360) 725-5002; Implementation and Enforcement: Annie Conant, 906 Columbia Street S.W., Olympia, WA 98501, (360) 725-2919.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This has no fiscal impact and will not create additional implementation or enforcement barriers, since statutory changes have already been incorporated into contracts. It will not adversely affect stakeholders because it reflects actual practice and intent of the rule.

November 2, 2009

Marie Sullivan

Director of Government Relations

AMENDATORY SECTION (Amending WSR 00-05-020, filed 2/8/00, effective 3/10/00)

WAC 365-120-010 Authority. These rules are adopted under the authority of RCW ((43.63A.060)) 43.185C.210(6), which provides that the ((director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature)) department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program. RCW 43.63A.650 provides that the department shall be the principal state department responsible for providing shelter and housing services to homeless families with children.

AMENDATORY SECTION (Amending WSR 00-05-020, filed 2/8/00, effective 3/10/00)

WAC 365-120-030 Definitions. (1) "Applicant" means a public or private nonprofit organization or agency, including local government entities, or a combination thereof, which applies for state emergency shelter or transitional housing program funds.

(2) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services.

(3) "Contractor" means an applicant who has been awarded state funds under the emergency shelter or transitional housing, operating and rent program and which has entered into a contract with the department to provide emergency shelter or transitional housing services.

(4) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a

semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036.

(5) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter assistance for some period during the most recent fiscal year.

(6) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(7) "Detoxification center" means a public or private agency or program of an agency that is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(8) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(9) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of ~~((community, trade, and economic development))~~ commerce to allocate, award, and monitor state funds appropriated to assist local emergency shelter and homelessness prevention programs.

(10) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter assistance.

(11) "Families with children" means pregnant women or one or more adults with dependent children under eighteen, including pregnant and parenting teens.

(12) "Group care facility" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis.

(13) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter or sufficient funds to purchase a place to stay.

(14) "Homelessness prevention" means the following activities or programs designed to prevent the incidence of homelessness:

(a) Subsidies to help defray rent or mortgage arrearages for individuals or families faced with eviction or foreclosure.

(b) Security and damage deposits to enable a homeless individual or family to move into their own housing.

(c) Initial rent costs to enable a homeless individual or family to move into his or her own housing.

(d) Case management to assist individuals and families to remain in their housing or to look for permanent housing.

(e) Landlord-tenant mediation, conciliation or other forms of dispute resolution or negotiation which will keep people in housing or help people with housing barriers to obtain a lease.

(15) "Housing stability plan" means a set of goals and course of action set by the assisted family or individual and housing support staff, to aid the family or individual in transitioning to stable housing and the highest attainable level of self-sufficiency.

(16) "Participating agency" means a local public or private nonprofit organization, which enters into a subcontract with a lead agency contractor to provide emergency shelter assistance.

(17) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(18) "Rental assistance" means no less than ninety-one days and no more than twenty-four months of assistance to help homeless families with children and other populations described in RCW 43.185C.210(1) pay the cost of rent and utilities for amounts that are consistent with local practices.

(19) "Safe home" means a private home where short-term emergency shelter is provided primarily to victims of domestic violence.

(20) "Short-term" means one to ninety days.

(21) "Transitional housing" means housing provided for no less than ninety-one days and no more than twenty-four months.

(22) "Transitional housing, operating and rent program" or "transitional housing program" means the statewide administrative activities carried out within the department to allocate, award and monitor state funds appropriated to local communities to provide operating assistance for transitional housing units and partial rental assistance to homeless families with children and other populations described in RCW 43.185C.210(1).

(23) "Voucher system" means a method of purchasing emergency shelter assistance by the night using a notification coupon.

AMENDATORY SECTION (Amending WSR 02-05-012, filed 2/8/02, effective 3/11/02)

WAC 365-120-080 Eligibility for operating assistance for transitional housing. (1) Projects must provide transitional housing in a structure designed for the targeted population of homeless families with children whose incomes are at or below fifty percent of the area median income.

(2) Operating subsidies shall not exceed ~~((thirty))~~ fifty percent of the project's core operating budget for the year.

(3) Rents shall not exceed ~~((fifty))~~ thirty percent of the income of the targeted population.

AMENDATORY SECTION (Amending WSR 00-05-020, filed 2/8/00, effective 3/10/00)

WAC 365-120-090 Eligibility for rental assistance. (1) Programs must provide rental assistance to ~~((homeless families with children whose incomes are at or below fifty percent of the area median))~~ populations described in RCW 43.185C.210(1).

(2) Assistance must be provided for no less than ninety-one days and no more than twenty-four months to help pay the cost of rent and utilities.

(3) Households must sign a written agreement to participate in a housing stability plan.

(4) Rent subsidies must be appropriate to ~~((individual family))~~ the incomes of the families or individuals.

(5) Local program administrators must have written program policies and procedures describing tenant selection, assistance denial or termination, housing safety standards, and a minimum tenant rent payment.

WSR 09-22-084
EXPEDITED RULES
DEPARTMENT OF HEALTH
 [Filed November 3, 2009, 3:11 p.m.]

Title of Rule and Other Identifying Information: WAC 246-329-120 Birth center policies and procedures, correcting a WAC reference.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY January 4, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to correct a WAC reference located in WAC 246-329-120 (3)(e). Specifically, the incorrect reference of WAC 246-100-206 will be replaced with the appropriate reference of WAC 246-100-202 (1)(e).

Reasons Supporting Proposal: Corrects and clarifies references made in rule to provide the public and practitioners with accurate information. Expedited rule making is appropriate for rules that "correct typographical errors, makes address or name changes, or clarify language of a rule without changing its effect," under RCW 34.05.353 (1)(c).

Statutory Authority for Adoption: RCW 18.46.060.

Statute Being Implemented: RCW 18.46.060.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of health, health professions and facilities, governmental.

Name of Agency Personnel Responsible for Drafting: John Hilger, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2929; Implementation and Enforcement: Kendra Pitzler, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4723.

November 1, 2009

Mary C. Selecky
Secretary of Health

AMENDATORY SECTION (Amending WSR 07-07-075, filed 3/16/07, effective 4/16/07)

WAC 246-329-120 Birth center policies and procedures. The purpose of this section is to ensure the birth center is able to provide safe and appropriate care to the clients of the birth center.

(1) An applicant or licensee must establish and implement policy and procedures which include, but are not limited to:

(a) Definition of a low-risk maternal client who is eligible for birth services offered by the birth center.

(b) Definition of a client who is ineligible for birth services at the birth center.

(c) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(d) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(e) Written plans for consultation, referral and transfer of care for maternal client and newborn. Written plans for emergency transfer and transport of a newborn to a newborn nursery or neonatal intensive care nursery, and emergency transfer and transport of a maternal client to an appropriate obstetrical department, patient care area, or hospital where appropriate care is available.

(f) Transfer and discharge of neonates to minimize risk of newborn abduction.

(g) Protocol for medications and laboratory testing during labor and recovery if the birth center plans to deliver HIV positive clients.

(h) Rapid HIV testing using the opt out approach for women who have undocumented HIV test results when presenting to the birth center in labor.

(i) Protocol for electronic fetal heart monitoring or intermittent auscultation to monitor fetal status during labor.

(j) Protocol for the provision of MMR vaccine to non-immune postpartum women.

(k) Protocol for the provision of anti D immune globulin to postpartum women who are unsensitized D-Negative and who deliver a D positive or Du positive infant.

(2) The applicant or licensee shall assure that transfer of care shall be available twenty-four hours per day to an appropriate obstetrical department, patient care area, or hospital where appropriate care is available.

(3) Clients shall receive and sign written informed consent which shall be obtained prior to the onset of labor and shall include, but is not limited to:

(a) Evidence of an explanation by personnel of the birth services offered, limitation of services, and potential risks;

(b) Explanation of the definition of low-risk maternal client;

(c) Explanation of a client who is ineligible for childbirth center services;

(d) Explanation of the birth center policies and procedures for consultation, referral, transfer of care and emergency transfer and transport;

(e) Explanation of prophylactic treatment of the eyes of the newborn (~~in accordance with WAC 246-100-206 (6)(b))~~. The prophylactic treatment is administered to the newborn according to WAC 246-100-202 (1)(e);

(f) Explanation of screening of newborns under chapter 70.83 RCW and chapter 246-650 WAC; and

(g) Explanation of why rapid HIV testing is available if documentation of an HIV test during prenatal care is not available;

(h) Explanation of the need for prophylactic administration of RhIG (immune globulin) within seventy-two hours of delivery for an Rh negative mother whose newborn(s) are Rh positive.

(4) The birth center shall provide or assure:

(a) Education of clients, family and support persons in childbirth and newborn care.

(b) Plans for immediate and long-term follow-up of clients after discharge from the birth center.

(c) Registration of birth and reporting of complications and anomalies, including sentinel birth defect reporting under chapter 70.58 RCW.

(d) Prophylactic treatment of the eyes of the newborn in accordance with WAC 246-100-206 (5)(b).

(e) Collection of a newborn screening blood specimen, or signed refusal, and submission to the department's newborn screening program under the requirements of WAC 246-650-020.

(f) Rapid HIV testing when documentation of an HIV test during prenatal care is not available, unless the client refuses to give consent and the refusal is documented.

(g) For HIV positive women, the antiretroviral medications during delivery and perform or arrange appropriate lab tests.

(h) Intrapartum intravenous antibiotics for Group B Strep positive women per the CDC protocol.

(i) For Hepatitis B positive women, HBIG and Hepatitis B immunization for the newborn.

(j) Infection control to housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel and clients.

(k) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions.

(l) Authorization and administration of medications, legend drugs and devices per appropriate health profession rules.

(m) Actions to address patient or client communication needs.

(n) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW.

(o) Emergency care of client.

(p) Actions to be taken upon death of a client.

(q) Plans for service delivery when natural or man-made emergencies occur that prevent normal clinical operation.

(r) Waived laboratory tests, if applicable, including the procurement of a medical test site waiver under chapter 246-338 WAC.